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November 4, 2003

**GROUP: 1635**

**FAX NUMBER: 1-703-872-9307**

**ATTORNEY DOCKET NO.: RTS-0147**

**SERIAL NO.: 09/828,344**

**FILED: April 5, 2001**

**NUMBER OF PAGES: 9**  
(including this sheet)

**MESSAGE:** Attached is an Amendment Transmittal Letter (in duplicate) and  
Reply to Restriction Requirement dated October 6, 2003.

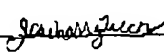
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<b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>				Docket No. <b>RTS-0147</b>	
Applicant(s): <b>Bennett and Wyatt</b>					
Serial No. <b>09/828,344</b>	Filing Date <b>April 5, 2001</b>	Examiner <b>James Schultz</b>		Group Art Unit <b>1635</b>	
Invention: <b>ANTISENSE MODULATION OF PHOSPHOLIPID SCRAMBLASE I EXPRESSION</b>					
<u><b>TO THE COMMISSIONER FOR PATENTS:</b></u>					
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.					
<b>CLAIMS AS AMENDED</b>					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	13 -	20 =	0 x	\$18.00	\$0.00
INDEP. CLAIMS	1 -	3 =	0 x	\$86.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. <b>50-1619</b> <input type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.					
 _____ Signature			Dated: <b>November 4, 2003</b>		
<b>Jane Massey Licata</b> Reg. No. 32,257 Licata & Tyrrell P.C. 66 E. Main Street Marlton, NJ 08053 Tel: 856-810-1515 Fax: 856-810-1454			<div style="border: 1px solid black; padding: 5px;">         I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.           _____          Signature of Person Mailing Correspondence           _____          Typed or Printed Name of Person Mailing Correspondence       </div>		
CC:					



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: RTS-0147  
Inventors: Bennett and Wyatt  
Serial No.: 09/828,344  
Filing Date: April 5, 2001  
Examiner: James Schultz  
Group Art Unit: 1635  
Title: Antisense Modulation of Phospholipid  
Scramblase I Expression

Certificate of Facsimile Transmission

I hereby certify that this paper is being facsimile  
transmitted to the Patent and Trademark Office on  
the date shown below.

On November 4, 2003

Jane Massey Licata  
Jane Massey Licata Registration No. 32,257

Assistant Commissioner for Patents  
Washington, DC 20231

Dear Sir:

REPLY TO RESTRICTION REQUIREMENT

This reply is to the Restriction Requirement mailed October 6,  
2003, setting a one (1) month statutory period for response.  
Please enter the following remarks into the record. No new matter  
has been added by this response.

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Inventors: Bennett and Wyatt  
Serial No.: 09/828,344  
Filing Date: April 5, 2001  
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#### REMARKS

Claims 1, 2, 4-10, and 12-15 are pending in the instant application. The pending claims have been subjected to a Restriction Requirement under 35 USC §121 and 37 C.F.R. 1.141, as containing multiple independent sequences, comprising multiple inventions.

Specifically, the Examiner suggests that although all of the sequences encompassed in claim 1 target and modulate expression of the target sequence Phospholipid Scramblase I of SEQ ID NO:3, these sequences are considered to be unrelated. Each sequence encompassed by claim 1 is suggested to be structurally and functionally independent and distinct. The Examiner suggests that each sequence has a unique nucleotide sequence, it is further suggested that each sequence targets a different and specific region of the molecule encoding Phospholipid Scramblase I, and finally the Examiner suggests that each sequence, upon binding to the molecule encoding Phospholipid Scramblase I, functionally modulates the expression of the gene to varying degrees.

The Examiner further suggests that a search of more than one of the claimed sequences presents an undue burden on the Patent and Trademark Office because of the complex nature of the search

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Inventors: **Bennett and Wyatt**  
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required and because a search for art related to one region of the Phospholipid Scramblase I molecule would not reveal art related to another region. The Examiner requires that Applicants elect one target region from claim 1.

Applicants respectfully traverse this restriction requirement.

MPEP 803 states that an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent or distinct. MPEP 803 further states that if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

MPEP 802.1 defines "independent" as having no disclosed relationship between the two or more subjects disclosed, that is, they are unconnected in design, operation, or effect, for example: (1) species under a genus which species are not usable together as disclosed; or (2) process and an apparatus incapable of being used in practicing the process.

MPEP 802.1 defines "distinct" as two or more subjects as disclosed are related, for example, as combination and part

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(subcombination) thereof, process and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed, and are patentable over each other.

Additionally, it has been determined that normally ten sequences are deemed to constitute a reasonable number for examination purposes. Accordingly, in most cases, up to ten independent and distinct nucleotide sequences can be examined in a single application without restriction.

The Examiner acknowledges that the sequences of claim 1 each target and modulate expression of the same target sequence Phospholipid Scramblase I (SEQ ID NO:3). By definition, the sequences cannot be independent because they all target and modulate the same single sequence namely SEQ ID NO:3. Therefore, there is a disclosed and acknowledged relationship between the sequences.

There would be no additional search burden on the Examiner because any search relating to Phospholipid Scramblase I (SEQ ID NO:3) would necessarily identify all of the art relating to all of the sequences recited in claim 1.

Applicants respectfully request reconsideration and withdrawal of the restriction requirement.

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However, in an earnest effort to be fully responsive and facilitate prosecution of this application, Applicants elect to prosecute nucleobases 652 through 1064 of the coding region of a nucleic acid encoding Phospholipid Scramblase I (SEQ ID NO:3).

Respectfully submitted,

*Jane Massey Licata*

Jane Massey Licata  
Registration No. 32,257

Date: November 4, 2003

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